

ENTERED

August 05, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

§

VS.

§

CRIMINAL ACTION NO. 2:16-CR-361-2

TROLAURICE VAUGH ZEDRICK
WALKER; aka TW

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§

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the Defendant pending trial in this case:

- (1) There is probable cause to believe the Defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841(b)(1)(A); and
- (2) The Defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the safety of the community.

The evidence against the Defendant is substantial. He was engaged in marihuana trafficking for multiple years. The findings and conclusions contained in the Pretrial Services Report and addendum, excluding the bond recommendation, are adopted. The court also heard evidence from one of the case agents Roberto Hein, accepted a copy of the Defendant's recent medical records (placed under seal), and accepted a proffer of the statement of United States Marshal Robert Escobar.

At the time of the Defendant's arrest and the search of his home, he had a loaded firearm within arm's reach. As a convicted felon, he is prohibited from possessing a firearm. A one-kilo brick of marihuana was also found at the home. The Defendant is a regular marihuana user. Although the Defendant has no convictions or arrests for violent behavior, the Court heard testimony that he has ties to the Gulf Cartel. The Defendant's prior convictions for drug trafficking make him eligible for a minimum mandatory prison sentence of twenty years. The Defendant appears to have been involved in drug trafficking all of his adult life, and continued to do so even when on probation or deferred adjudication for a similar offense.

Finally there is a concern for the safety of the pretrial supervision officer who would be involved in the case. The Defendant does not appear to respect any laws that interfere with his drug trafficking activity, and his possession of a loaded firearm near his side, coupled with the testimony from the case agent that the local SWAT team refused to participate in the arrest because of the danger involved, infer that a supervision officer making a home visit might face serious danger.¹

The only factor that weighs in favor of a bond is the Defendant's medical history and multiple complicated medical problems, but there is no indication from the detention facility that it is unable to provide adequate care. If the medical circumstances change, this order may be reconsidered.

¹ Although undersigned earlier indicated on the record that testimony from the case agent that "the local SWAT team refused to participate in the arrest because of the danger involved" would not be considered, the testimony was not rebutted by any other evidence and upon further reflection, undersigned does believe that this statement demonstrates possible danger to the safety of a supervising officer who might need to conduct a home visit.

The Defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 5th day of August, 2016.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE